

MAR. 29. 2005 5:56PM

United States Senate

WASHINGTON, DC 20510

March 29, 2005

NO. 488

P. 2

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665337

The President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

Last November, the Senate approved by unanimous consent Senate Resolution 447. That resolution expressed the sense of the Senate that you should exercise your constitutional authority to pardon posthumously John Arthur "Jack" Johnson for his violation of the Mann Act. Mr. Johnson's conviction was motivated by nothing more than the color of his skin. As such, it injured not only Mr. Johnson but also our nation as a whole.

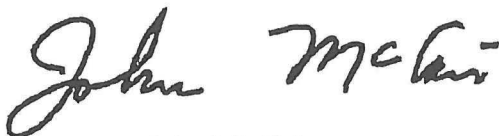
The story of Jack Johnson was largely forgotten for decades by many. In recent months, however, Americans have focused rightly on the injustice done to Mr. Johnson some 90 years ago. In 1913, Johnson was sentenced to one year and a day in federal prison. His crime was transporting a white woman across state lines for an "immoral purpose."

Race was the shameful motivation for the prosecution and conviction of Jack Johnson. Against heavy odds, Mr. Johnson became the first African American heavyweight boxing champion of the world, and his intimate relationships crossed the color line. Johnson's rightful custody of the championship belt and his romantic relations were an affront to those who held the pernicious belief that Black Americans merit less than the full rights and freedoms of citizenship.

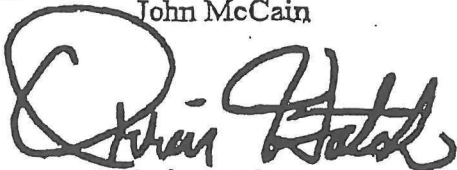
Mr. President, in your recent Inaugural Address, you stated that "our country must abandon all the habits of racism, because we cannot carry the message of freedom and the baggage of bigotry at the same time." Such wise words are seldom spoken – and even more rarely given full meaning by just action.

We know, however, that your words are not empty, and so it is our sincere hope that you will help relieve our nation from the weight of racism and bigotry by granting a posthumous pardon to Jack Johnson. Your exculpation of Mr. Johnson would be a strong and necessary symbol to the world of America's continuing resolve to live up to the noble ideals of freedom, opportunity, and equal justice for all.

Sincerely,



John McCain



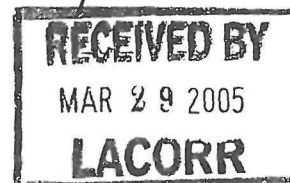
Orrin G. Hatch



Harry Reid



Edward M. Kennedy



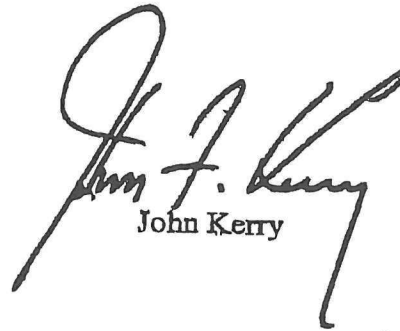
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March 29, 2005
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NO. 488

P. 3



Ted Stevens



John Kerry

10/2048

Congress of the United States

Washington, DC 20515

August 3, 2009

The President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

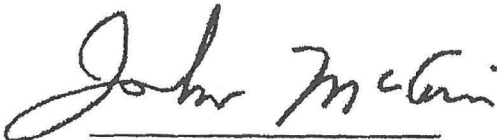
On Wednesday, the House joined the Senate in passing a resolution to express support of a posthumous pardon for Jack Johnson. As you know, under Article II, Section 2 of the United States Constitution the President "shall have power to grant reprieves and pardons for offenses against the United States..." We hope that you will agree with Congress and swiftly issue Mr. Johnson a pardon.

Jack Johnson was the first African-American Heavyweight Champion of the World. To achieve this title he fought more than 100 fights throughout his career but was denied repeatedly a chance to fight for the world heavyweight title due to his race. Finally in 1908, he was granted an opportunity to fight for the world heavyweight title and won. Mr. Johnson held that title for nearly five years, until 1913 when he was the first person convicted for violating the Mann Act which outlawed the transportation of women across state lines for "immoral purposes." While the law was intended to be used to fight prostitution, prosecutors charged Mr. Johnson with violating this law when he escorted a woman of a different race across state lines. He was sentenced to one year in Federal prison and served 10 months.

Rectifying this injustice against Jack Johnson is long overdue. A posthumous pardon would represent a final vindication to his family and to the ignominious stain on our nation's history. It would also allow future generations to appreciate Jack Johnson's accomplishments and his contributions to society without the taint of his criminal conviction.

Mr. President, we hope you will give full consideration of Congress' request and swiftly issue a posthumous pardon for Jack Johnson.

Sincerely,



John McCain
United States Senate



Peter King
United States House of Representatives



Washington, D.C. 20530

AUG 17 2009

The Honorable John McCain
United States Senate
Washington, D.C. 20510-0001

Dear Senator McCain:


This correspondence is in response to your letter of August 3, 2009 to President Obama in which you forwarded the endorsement of the Congress of the United States for the granting of a posthumous pardon in the case of John Arthur "Jack" Johnson. I must inform you, however, that it is the general policy of the Department of Justice that requests for posthumous pardons for federal offenses not be processed for adjudication.

President Clinton was the only President to grant a posthumous pardon. He did so on February 19, 1999, in the case of Henry O. Flipper, the first African-American graduate of West Point. Since the advisory process in pardon matters is covered by the deliberative process and executive privileges, I am unable to discuss the circumstances surrounding President Clinton's decision in this matter. The President's remarks upon issuing the pardon, however, are a matter of public record and are available for your review at the following Web site:
<http://www.history.army.mil/topics/afam/WH-Pardon.htm>.

The Office of the Pardon Attorney, which has a small staff, assists the President in the exercise of the plenary power he enjoys with respect to clemency for federal offenses by processing clemency matters. As in Mr. Johnson's case, many posthumous pardon requests would likely be based on a claim of manifest injustice, and given that decades have passed since the events and the historical record would have to be scoured to objectively and comprehensively investigate such applications, it is the Department's position that the limited resources which are available to process requests for Presidential clemency – now being submitted in record numbers – are best dedicated to requests submitted by persons who can truly benefit from a grant of the request. Moreover, since the focus of posthumous pardons is, as previously stated, likely to be a claim of great injustice, the Department's policy also recognizes that requests for posthumous pardons are less likely to involve issues generally explored in routine pardon investigations (such as the recent, or ongoing, rehabilitative efforts of a defendant, for which investigative resources external to the Office of the Pardon Attorney actually exist), and therefore are less likely to derive benefit from the investigative techniques commonly used in the pardon process. Notwithstanding this policy, the President always retains the plenary power granted to him by the Constitution to pardon or commute sentences, and does so at his sole discretion, guided when he sees fit by the advice of the Pardon Attorney.

I hope that this letter explains our policy regarding posthumous pardons in a manner which is satisfactory to you. Additionally, I do appreciate you advocating the posthumous pardon request on Mr. Johnson's behalf. Please let us know if we can be of further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Ronald L. Rodgers". The signature is written in dark ink and is positioned above the printed name.

Ronald L. Rodgers
Pardon Attorney



U.S. Department of Justice

Pardon Attorney

Washington, D.C. 20530

AUG 21 2009

The Honorable John McCain
United States Senate
Washington, D.C. 20510-0001

Dear Senator McCain:

This correspondence is a further response to your letter of August 3, 2009 to President Obama in which you forwarded the endorsement of the Congress of the United States for the granting of a posthumous pardon in the case of John Arthur "Jack" Johnson. I am supplementing my original response to you, dated August 17, 2009, which inadvertently omitted information regarding the recent posthumous pardon granted by President Bush in December 2008 in the case of Charles Winters. However, just as my August 17 letter indicated, it continues to be the general policy of the Department of Justice that requests for posthumous pardons for federal offenses are not processed for adjudication.

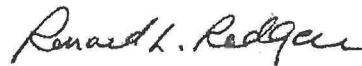
President Clinton was the first President to grant a posthumous pardon. He did so on February 19, 1999, in the case of Henry O. Flipper, the first African-American graduate of West Point. Since the advisory process in pardon matters is covered by the deliberative process and executive privileges, I am unable to discuss the circumstances surrounding President Clinton's decision in this matter. The President's remarks upon issuing the pardon, however, are a matter of public record and are available for your review at the following Web site: <http://www.history.army.mil/topics/afam/WFL-Pardon.htm>. As you probably know, President Bush also granted a single posthumous pardon, in the case of Charles Winters. Mr. Winters' application was not processed by the Office of the Pardon Attorney at the Department of Justice due to the aforementioned policy employed by the Department of Justice in the case of posthumous pardon applications.

The Office of the Pardon Attorney, which has a small staff, assists the President in the exercise of the plenary power he enjoys with respect to clemency for federal offenses by processing clemency matters. As in Mr. Johnson's case, many posthumous pardon requests would likely be based on a claim of manifest injustice, and given that decades have passed since the events and the historical record would have to be scoured to objectively and comprehensively investigate such applications, it is the Department's position that the limited resources which are available to process requests for Presidential clemency – now being submitted in record numbers – are best dedicated to requests submitted by persons who can truly benefit from a grant of the request. Moreover, since the focus of posthumous pardons is, as previously stated, likely to be a claim of great injustice, the Department's policy also recognizes that requests for posthumous pardons are less likely to involve issues generally explored in routine pardon investigations (such

as the recent, or ongoing, rehabilitative efforts of a defendant, for which investigative resources external to the Office of the Pardon Attorney actually exist), and therefore are less likely to derive benefit from the investigative techniques commonly used in the pardon process. Notwithstanding this policy, the President always retains the plenary power granted to him by the Constitution to pardon or commute sentences, and does so at his sole discretion, guided when he sees fit by the advice of the Pardon Attorney.

I hope that this letter explains our policy regarding posthumous pardons in a manner which is satisfactory to you. Please let me know if I can be of further assistance.

Sincerely,

A handwritten signature in cursive script, reading "Ronald L. Rodgers".

Ronald L. Rodgers
Pardon Attorney

Congress of the United States

Washington, DC 20515

October 16, 2009

The President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

We are writing on behalf of the Members of Congress who unanimously approved a resolution supporting a posthumous pardon for Jack Arthur Johnson. As you know, under Article II, Section 2 of the United States Constitution the President "shall have power to grant reprieves and pardons for offenses against the United States..." We hope you will heed the call of Congress and grant the first African-American Heavyweight Champion of the World a pardon to rectify this injustice.

The resolution is co-sponsored by both Republicans and Democrats, including the Majority Leader of the Senate, and passed the full Senate on June 24, 2009. It is supported by many members of the Congressional Black Caucus and passed the House on July 29, 2009.

Jack Johnson was the first African-American Heavyweight Champion of the World. In 1912, he was arrested for violating the Mann Act, which outlawed the transportation of women across state lines for "immoral purposes." While the law was intended to fight prostitution, prosecutors charged Mr. Johnson with violating this law when he escorted a woman of a different race across state lines. He was the first person convicted under the Mann Act. Mr. Johnson served 10 months in prison on these charges brought forward clearly to keep him away from the boxing ring where he continued to defeat his white opponents.

Less than a week after the resolution passed both chambers, we wrote to you asking that you give full consideration of Congress' request and swiftly issue a posthumous pardon for Jack Johnson. Regrettably, we have not received a response from you or any member of your Administration. It is our hope that you will be eager to right this wrong and erase an act of racism that sent an American citizen to prison.

Mr. President, Sunday will mark the 97th anniversary of Jack Johnson's arrest. We hope you will rectify this injustice against Jack Johnson, his family and his legacy.

Sincerely,



John McCain
United States Senate



Peter King
United States House of Representatives

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Congress of the United States
Washington, DC 20515

July 1, 2010

President Barack Obama
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Obama,

We are writing to you today to once again ask that you grant a posthumous pardon for Jack Johnson. July 4th marks the 100th Anniversary of Jack Johnson's victory over Jim Jeffries in the "Battle of the Century." Jeffries was a former undefeated heavyweight champion, who came out of a 3-year retirement, to be the "Great White Hope" in regaining the Heavyweight Champion of the World Title from the first African-American to hold it. This victory over Jeffries capped Johnson's career and established him as the undisputed Heavyweight Champion of the World.

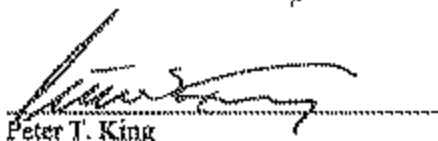
As you know, last year the House and the Senate passed a resolution expressing support for a posthumous pardon for Mr. Johnson (S. Con. Res. 29). This is the first time since 1974 that the two chambers have passed a concurrent resolution recommending a posthumous pardon for an individual.

We respectfully ask that you promptly issue a posthumous pardon for Jack Johnson to coincide with the 100th anniversary of his championship fight.

Sincerely,



John McCain
United States Senate



Peter T. King
United States House of Representatives

REC'D
DEPT OF JUSTICE
EXECUTIVE SECRETARIAT
2010 JUL 27 AM 11:10

Thompson, Erika (JMD)

From: Wells, Barbara A (JMD)
Sent: Thursday, August 12, 2010 10:40 AM
To: Thompson, Erika (JMD)
Subject: FW: Workflow ID 1911224

Hi Erika,

Please see the email below from Kim.

Barb

From: Tolson, Kimberly G (JMD)
Sent: Thursday, August 12, 2010 10:38 AM
To: Wells, Barbara A (JMD)
Subject: Fw: Workflow ID 1911224

Can u pls send this to Erika to scan and close. Thanks

From: Tolson, Kimberly G (JMD)
Sent: Thursday, August 12, 2010 10:36 AM
To: Rodgers, Ronald (OPA)
Subject: Re: Workflow ID 1911224

No problem - we will close it today.

From: Rodgers, Ronald (OPA)
Sent: Thursday, August 12, 2010 10:38 AM
To: Tolson, Kimberly G (JMD)
Subject: Workflow ID 1911224

Ms. Tolson – this workflow was a letter from two members of Congress to the President, which the WH sent to you (and then to us) for reply. The Office of White House Counsel has advised that they will answer this one themselves, and that we can close the DOJ workflow. If that is satisfactory, could you confirm that such has or will be done? Thanks – Ron
Rodgers, Pardon Attorney